

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COUNTY OF NEWPORT**

APPROVED 9/13/10

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 26th day of July 2010 A.D. at 7:00 p.m.

President Bollin opened the meeting with the Pledge of Allegiance to the Flag.

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| Roll Call: | Donald Bollin-President | Jay Lambert |
| | JoAnne Arruda-Vice President-Absent | Cecil E. Leonard-Absent |
| | Hannibal Costa | Edward Roderick |
| | Louise Durfee | |

Town Administrator, James C. Goncalo and Town Solicitor, Andrew M. Teitz were also present.

Council President Bollin read a Proclamation.

PROCLAMATION FOR MARY H. MURPHY - CONGRATULATIONS ON "100" YEARS

Approval of Consent Agenda:

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Council President Bollin read the items on the Consent Agenda.

Councilor Costa requested removal of item A-2c, Planning Board Minutes.

Councilor Durfee made a motion, seconded by Councilor Costa to approve the remaining items on the Consent Agenda. Motion passed unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA:

A-1-Approval of Minutes of Previous Meetings:

Minutes not completed

A-2-Receipt of Minutes from Various Board and Commissions:

- | | |
|------------------------------------|--|
| a. Economic Development Commission | d. Municipal Buildings Feasibility Committee |
| b. Cemetery Commission | e. Historic Cemeteries Commission |

A-3-Correspondence:

- Received From Town Planner, Christopher Spencer to State Representative John G. Edwards Regarding RIDOT Approval of Sign on Route 24 for Historic Tiverton Four Corners
- From Jamestown Town Council Regarding Weaver's Cove LNG Proposal
- Received From Town Treasurer Regarding FY2011 Municipal Follow Up Survey

A-4-Approval of Tax Assessor Abatements

A-5-Approval of Petition for Verizon New England and Narragansett Electric for Four New Joint Poles and One Anchor Guy on Cornell Road

a. Response From Town Solicitor

b. Response From S. Berlucchi, DPW Director

A-6-Councilor Leonard Request for Status on Design Review Standards Further Continued From July 26th to August 23rd Meeting

A-7-Received from Edward & Betty Jerome Relative to Road Bond for Bud Way – Referred to Town Solicitor for Response and Recommendation at August 23rd Meeting

APPOINTMENTS & RESIGNATIONS

Re-Appointments to Boards and Commissions With No New Candidates

Robert Dixon – Harbor Commission – Term to Expire 6/30/2012

Mr. Dixon, while wanting to be reappointed, expressed concern to the Council about Harbor and Water related items that should be referred to the Harbor Commission. Is an advisory Commission, should be acting in that capacity. Councilor Durfee noted that any inadvertence on the part of the Council not intentional. President Bollin also noted a call to the Clerk would be appreciated if an item should be referred to the Harbor Commission, which has an important function. Mr. Dixon also wished to recognize the outstanding job Harbormaster David Vannier was doing.

Councilor Durfee made a motion, seconded by Councilor Roderick to appoint Robert Dixon to the Harbor Commission to a term to expire June 30,2012. Motion passed unanimously.

UNFINISHED BUSINESS

Councilor Costa – Request to Establish a Traffic Commission – Continued From July 12th Meeting

Councilor Costa asked the Council to look at the Planning Board minutes, page 3, paragraph D. 1-Explore Potential for Road Safety Audit. Councilor Costa noted traffic has increased tremendously over the years needs to be looked at, specially the inordinate number of Stop signs, the Speed limit on Fish Road and the Noise Ordinance relative to Motorcycles. Councilor Durfee suggested Councilor Costa put a concept together to present to the Council. Chief Blake addressed these issues briefly. The Police Dept. is aware of the speed on Fish Road, hesitant to increase, as some people drive over the limit, the Stop signs are used to regulate the flow of traffic, used to stop large trucks. An officer recently went to a training class for the noise meter, difficult to enforce, until Motor Vehicle legislation. Bristol spent \$18,000 in overtime to enforce, have looked into it. Citations are up 23% over last year, will look at Motor Cycle situation. Councilor Costa also noted the Town suffers from information overkill; there are all kinds of signs that should come down. Chief Blakey noted on Fish Road, in the area of Russell Drive, there is a blind curve, speed definitely a factor. Chief Blakey agreed with the need to look at signs, some are rusted, need uniformity throughout the community.

Pat Sullivan, Conservation Commission spoke at length about the increased traffic and noise including violations with motorcycles.

Receipt of Minutes from the Following Boards, Commissions- Planning Board

Councilor Costa made a motion, seconded by Councilor Roderick to approve receipt of the minutes from the Planning Board. Motion passed unanimously.

NEW BUSINESS:

Councilor Roderick made a motion to add to tonight's agenda, a discussion of reconsideration of a previous vote on "Singing Out Against Hunger" by Evelyn's Restaurant. Councilor Roderick voted on the prevailing side. Seconded by Councilor Lambert, the motion passed on a vote of 4-1, Councilor Durfee opposed. Solicitor Teitz informed can add agenda item but cannot take action to handle, must be referred to another date and agenda.

Councilor Durfee pointed out people who received public notice would not know this was being discussed. President Bollin noted the Council would have to readvertise a Public Hearing and take a vote. Solicitor Teitz noted it was a confluence, not fair, not proper to have a substantive discussion. Should be done in two parts, reconsideration first then reopening public hearing

Councilor Roderick made a motion to add to the agenda of August 23, 2010 the reconsideration vote, then to schedule a Public Hearing for August 23, 2010 to revisit the Petition should the motion to reconsider pass. Councilor Lambert seconded the motion. For the record, Councilor Roderick voted on the prevailing side in the original matter. Councilor Costa who was not present at the July 12, 2010 Council Meeting, questioned the Solicitor if he could vote on the right to reconsider. Solicitor Teitz was of the opinion Councilor Costa has the right to vote on the reconsideration. Motion passed on a vote of 3-2, Councilors Durfee and Bollin opposed.

Councilor Durfee – Discussion of Tax Exemptions

Councilor Durfee suggested having a group of in-house staff review exemptions referring to the back of the tax bill, particularly at household limits, needs to be looked at.

Councilor Durfee motioned an advisory committee be formed consisting of David Robert, Tax Assessor, Janice Gomes, Director of the Senior Center, the Tax Collector and the Town Clerk. Seconded by Councilor Costa, motion passed unanimously.

BIDS & REQUESTS FOR PROPOSALS:

DPW Steve Berlucchi – Request Permission to Advertise for Consultant Engineering Services for Landfill Operations

DPW Director Berlucchi was requesting permission to advertise for Landfill Operations. The three year contract expired June 30th, current provider, Parr Engineering does sampling, analysis, semi annual surveys, need Engineering Services by Sept. 15 for the first quarter analysis. If a contractor wants to donate fill, the Engineer tests, forwards to DEM. Director Berlucchi has sent the RFP to those who have bid in the last three years. can put on the State website,. Recommend advertising in Providence Journal. Councilor Roderick suggested putting this in trade publications, usually has no cost.

Councilor Durfee made a motion, seconded by Councilor Roderick to authorize the advertising for Consultant Engineering Services for Landfill Operations. Motion passed unanimously.

DPW Steve Berlucchi – Request Permission to Advertise for Purchase of New 1+1/2 Ton, Heavy Duty Truck

Councilor Durfee made a motion, seconded by Councilor Roderick to grant permission to advertise for the purchase of a New 1-1/2 Ton, Heavy Duty Truck with plow. Motion passed unanimously

Police Chief Blakey – Requests Award of Bid on (2) Replacement Police Cruisers to Central Dodge – Low Bidder for \$24,721 Each

Police Chief Blakey was requesting an award of bid for two replacement Police Cruisers to Central Dodge for \$44,792, \$23,841 per unit, with warranty. Chief Blakey explained to the Council the warranty price listed on the bid was last year's price. Central Dodge was willing to match the warranty price listed on the competing bid.

Councilor Costa made a motion, seconded by Councilor Lambert to award a bid of \$23,841 per unit for a total cost of \$47,682.00 Motion passed unanimously.

TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS

Administrator Goncalo had received an announcement earlier about a fundraiser this Sunday, a mystery ride of some 400 motorcycles will pass through the Town on the way to Little Compton with a Police escort going from Route 24 to Eagleville Road, down Stafford to Crandall Road. Begins at noon in Bristol. Chief Blakey just found out. Resident Pat Sullivan found this unacceptable. Councilor Lambert pointed out those people have a legal constitutional right to drive through Town. The fundraiser is for the Impossible Dream Foundation. President Bollin noted while the cause may be good, laws still have to be obeyed. Bob Martin suggested looking at the Noise Ordinance again.

COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Councilor Lambert, Council representative on the Recycling Committee, briefly updated the Council on the success of increased recycling. In June 2009, the Town recycled 106 tons. In June 2010, 153 tons were recycled. Have seen a substantial increase in recycling. Still have to look at "Pay As You Throw". Discussion followed, still some problems with "No Bin/No Barrel", especially the lag time between recycling pick up and trash pick up. Director Berlucchi has been trying to renegotiate with Patriot to close the gap. People taking recyclable are also an issue, working with the Chief on this issue.

TOWN SOLICITOR, ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Solicitor Teitz drew up the language for the ballot question approved at prior meeting relative to ballot voting at a FTM, had three possible alternative, labeled A, B and C. Can eliminate B, C is strikeout version of question with the actual change. Wanted the Council to see the alternatives. Councilor Durfee noted the wording should include 20%, for a clarity standpoint. Councilor Roderick thought the C version should be the one. Solicitor Teitz suggested using A and adding FTM.

Solicitor Teitz noted the language was approved last week.

Councilor Durfee made a motion to use the language in "A", adding at FTM. Motion seconded by Councilor Lambert passed unanimously.

CLOSED EXECUTIVE SESSION:

Town Solicitor - Litigation – 42-46-5(a) (2)

Town Administrator–42-46-5(a)(2)–Collective Bargaining – IBPO, IAFF, Teamsters

Councilor Durfee made a motion, seconded by Councilor Roderick to enter into Executive Session pursuant to 42-46-5(a)(2)- Litigation. Motion passed unanimously.

Councilor Durfee made a motion, seconded by Councilor Roderick to remain in Executive Session pursuant to 42-46-5(a)(2)- Collective Bargaining – IBPO, IAFF & Teamsters. . Motion passed unanimously.

The Council entered into Executive Session at approximately 8:30 p.m.

The Council returned to Open Session at approximately 9:40 p.m.

OPEN SESSION:

Councilor Bollin announced no formal action had been taken in Executive Session other than the release of the Hoffman Report on Bay Street contamination area.

Councilor Durfee motioned to seal the minutes of Executive Session. Seconded by Councilor Roderick, motion passed unanimously.

ADJOURNMENT:

Councilor Durfee motioned to adjourn, seconded by Councilor Roderick, motion passed unanimously.

Council adjourned at approximately 9:45 p.m.

A True Copy.

ATTEST: _____ Nancy L. Mello, Town Clerk

